

Staff
Summary
Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 48
Meeting Date: 03/11/99
Doc. Name: 990311devsrh13
Supporting Documents: Yes

SUBJECT: RA ON MILL AVENUE #SIP-99.24

APPROVED BY: Randall Hurlburt, Development Services Director
Grace Kelly, Planner II

BRIEF: This is the second public hearing for Ra on Mill for a use permit for a restaurant/bar with outdoor dining and live entertainment based on new ownership at 411 S. Mill Avenue.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **RA ON MILL AVENUE** (Greg Donnally, Business owner) for a sushi restaurant and bar with outdoor dining and live entertainment, based on new ownership, located at 411 S. Mill Avenue. The applicant is seeking the following approval from the City of Tempe:

- a. **(#SIP-99.24)** A site plan for an existing restaurant/bar with outdoor dining in the CCD zoning district, including the following:
Use Permit
Allow live entertainment in the CCD Zoning District.

SUMMARY: A new business owner wishes to operate a sushi restaurant with live entertainment in the space previously leased by Stan's Metro Deli. He requests ownership rights to the existing restaurant/bar with outdoor dining. He stated that he runs a Scottsdale sushi restaurant and that this new restaurant would have a format similar to his other business. The live entertainment use permit would allow the owner to have acoustical guitar two to four days per week, during happy hour, and inside the restaurant only. Minor changes have been made to the floor plan and no significant changes will be made to the existing building. The applicant has met with the Police Department and has agreed upon a security plan for the establishment. Staff recommends approval and to date, no public input has been received.

Note: Council held the first public hearing on February 25, 1999. There was no public input.

	<u>Recommendation</u>	<u>Comments</u>
Staff	Approval	See report
Public	No comments	

HISTORY & FACTS

1898

The Petersen building was constructed as a single story structure. A second story, also of brick with cast iron detailing, was added later (and used temporarily as an armory).

1927

The second story of the Petersen building was converted to apartments, and the brick facade was modified to stucco and Spanish tile.

October, 1976

City Council established the CCD Zoning district, including the subject property, with the adoption of Ordinance 808. Note: The superseded C-3 zoning designated under Ordinance 405 was granted in 1967.

1980

The Petersen building was placed on National Register of Historic Places.

February 21, 1980

The Cutler building, an in-fill project with second-story balcony linkage to Chipman/Petersen, was approved by the Design Review Board.

September 26, 1984

Tempe Board of Adjustment approved a use permit for Grafiti's to open a nightclub in the Petersen/Chipman building, along with a parking variance from 137 spaces to 0 spaces.

1985

The Sheraton Tempe Mission Palms Parking Association was formed at the time of redevelopment of the hotel site. This group controls 177 spaces north of Third Street primarily for employees, and another 105 spaces south of Third Street between the hours of 5 p.m. and 8 a.m., for a total of 282 spaces. The hotel owns the land on which the parking is located, even though it provides **all** its own parking elsewhere. The 5M building also owns parking spaces outside the Association.

December 27, 1990

An accidental fire originating in Stan's Deli destroyed the Chipman/Petersen building.

May 16, 1991

The Council approved use permits to rebuild this building and expand the former Club UM and Stan's Deli and allow parking to be provided by demand.

September 16, 1993.

The Council approved for Club 4/Eleven, two use permits to allow a bar/night club and entertainment as an accessory use, subject to 13 conditions.

August 12, 1994.

The Council approved a site plan modification consisting of 3,707 s.f. (including 1,015 s.f. outdoor patio) on .29 net acres for Stan's metro Deli, subject to 9 conditions.

May 15, 1997.

The Council approved a site plan to establish new ownership of Stan's metro Deli, subject to 7 conditions.

February 25, 1999.

Council held the first public hearing for Ra on Mill for a use permit for a restaurant/bar with outdoor dining and live entertainment based on new ownership at 411 S. Mill Avenue. There was no public input.

DESCRIPTION: Owner - Greg Donnally, Business owner
Applicant - same
Zoning - CCD District
Site Area - .29 net acres
Building Area - 3,707 s.f. (including 1,015 outdoor patio)
Parking Required for this use - 81 spaces
Parking Required for this association - 626 spaces (per parking model)
Parking Provided - 629 spaces (per Mission Palms Parking Assoc.)

Use Permit Previously Approved:

Allow a floor plan modification of an existing restaurant to accommodate entertainment in the CCD District.

COMMENTS: A new business owner wishes to operate a sushi restaurant with live entertainment in the space previously leased by Stan's Metro Deli.

In the narrative submitted by the applicant, he stated that he runs a Scottsdale sushi restaurant and that this new restaurant would have a format similar to his other business. The restaurant would be open for lunch and dinner and they wish to have live entertainment during Happy Hour. The entertainment use permit would allow the owner to have acoustical guitar two to four days per week, during happy hour, and inside the restaurant only. There would be outdoor dining on the 1,015 s.f. patio area. No amplified music would be permitted on the patio area as noted in the attached conditions. Minor changes have been made to the floor plan and no significant changes will be made to the existing building.

The applicant has met with the Police Department and have agreed upon a security plan for the establishment. The use appears to be compatible with the surrounding development and is not likely to cause any nuisance, property deterioration or disturbance. Staff recommends approval with conditions, and to date, no public comments have been received.

Note: Council held the first public hearing on February 25, 1999. There was no public input.

RECOMMENDATION: Approval with conditions.

REASON FOR

APPROVAL: 1. Proposed use permit appears to pass the required ordinance tests and should not create any detrimental effects to surrounding properties.

**CONDITIONS
OF APPROVAL:**

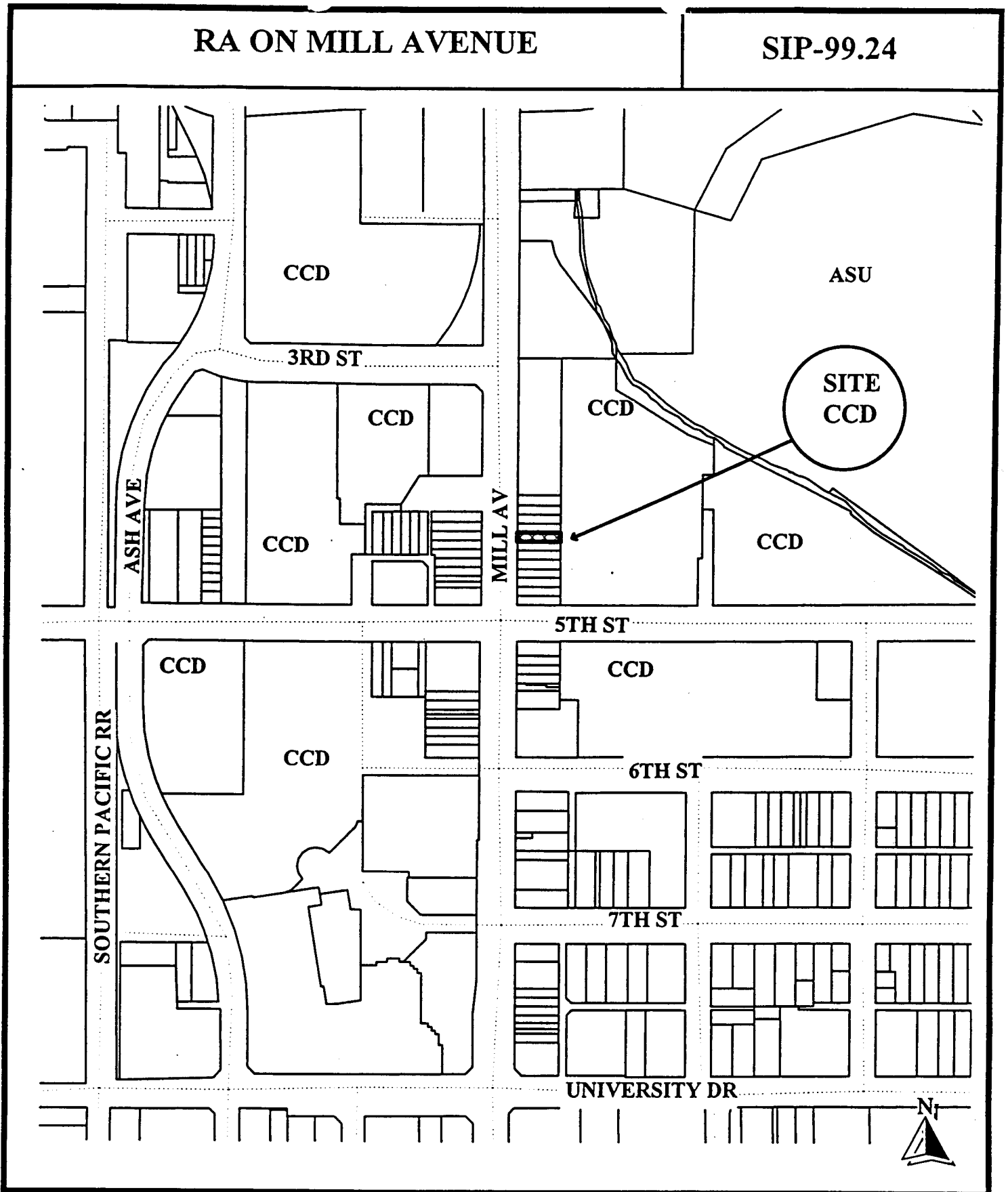
1. Use permit is non-transferable and is issued to Greg Donnally for Ra Sushi Restaurant only.
2. Within two years of date of City Council approval, the applicant shall return to City Council for compliance with conditions of approval.

3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Security for the establishment shall be provided at all times as per approved security plan which is on file in the Police Department.
5. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
6. Bar activities shall cease at 1:00 a.m. per state statute.
7. No outdoor entertainment or interior music amplified to patio is allowed in the patio area.

ATTACHMENTS: Location Map
Site Plan
Letter of Explanation/Intent
Previous Council Conditions of Approval 5/15/97

RA ON MILL AVENUE

SIP-99.24



Location Map SEE OTHER SIDE FOR MORE INFORMATION

RA ON MILL AVENUE

SIP-99.24

SYMBOL(S):



EXIST'G BLD'G(S).



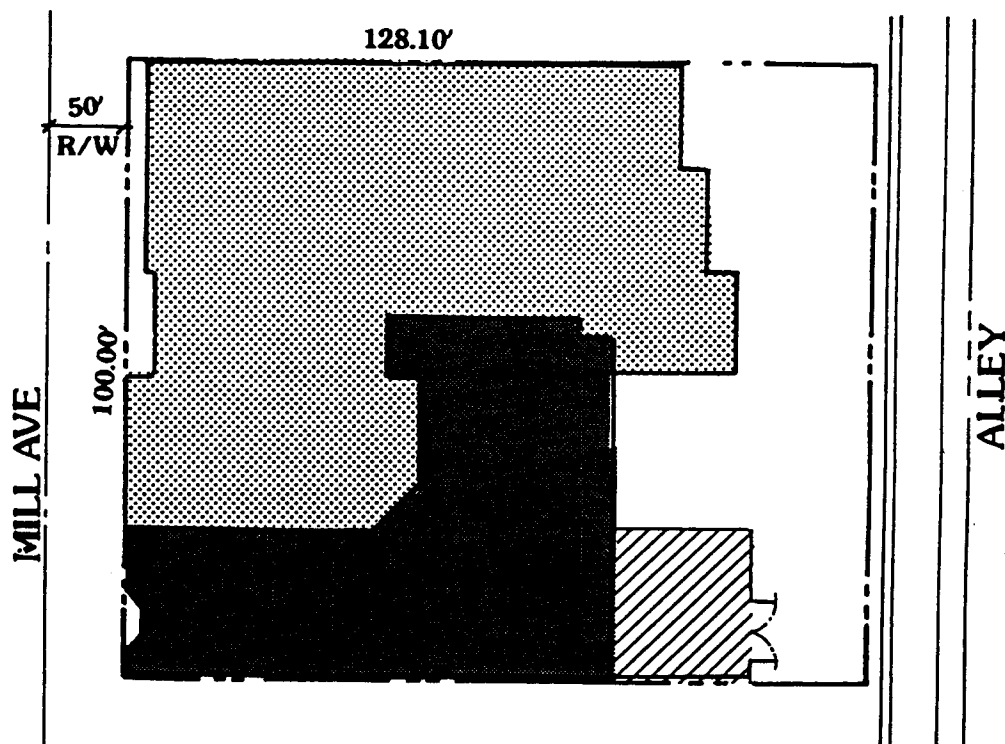
PROPOSED AREA FOR
A RESTAURANT



EXIST'G PATIO

USE PERMIT(S):

(SEE BELOW)



SITE DATA:

RESTAURANT AREA: 3,400 s.f.
OUTDOOR PATIO AREA: 1,025 s.f.

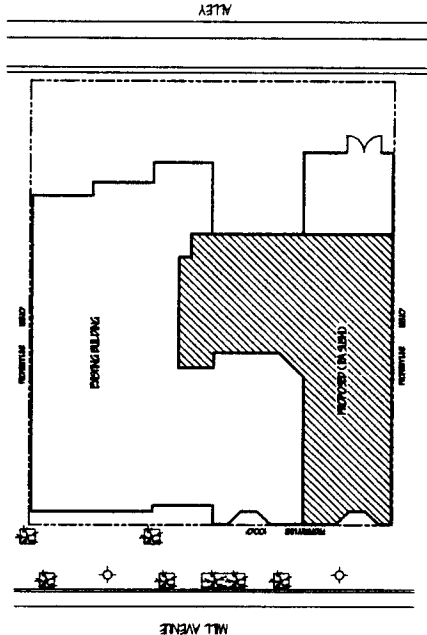
PUBLIC HEARING NOTICE

This is a notice for two public hearings for RA ON MILL AVENUE (Greg Donnally, Business owner) for a sushi restaurant and bar with outdoor dining and live entertainment, based on new ownership, located at 411 S. Mill Avenue. The applicant is seeking the following approval from the City of Tempe:

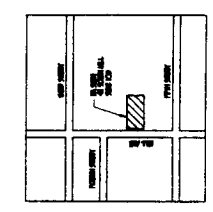
- a. (#SIP-99.24) A site plan for an existing restaurant/bar with outdoor dining in the CCD zoning district, including the following:
Use Permit
Allow live entertainment in the CCD District.

If you are interested you may attend either one or both of the two public hearings of the City Council at 7:30 p.m. Thursday, February 25 and March 11, 1999 at the Council Chambers, 31 East Fifth Street. This will be a public hearing and you may present your views in person at the hearing. Or you may respond in writing to the City Clerk, P. O. Box 5002, Tempe, AZ 85280-5002.

If you have any questions or wish to view additional material including artists renderings and elevations which are on



SITE PLAN



VICINITY MAP

PROJECT DATA:

TENANT/
PROJECT
ADDRESS:
RASUSHI
411 SOUTH MILL AVE SUITE 103
TEMPE, ARIZONA 85281

ZONING:
CCD

TYPE OF
CONSTRUCTION:
V (AFES)

OCCUPANCY:
RESTAURANT (A21/A3/D2)

SQ. FT. AREA:
RESTAURANT: 3,707 SF.
OUTDOOR: 1,015 SF.

REQ. PARKING:
RESTAURANT: 3,707/50 = 74
OUTDOOR: 1,015/50 = 7
TOTAL: 81

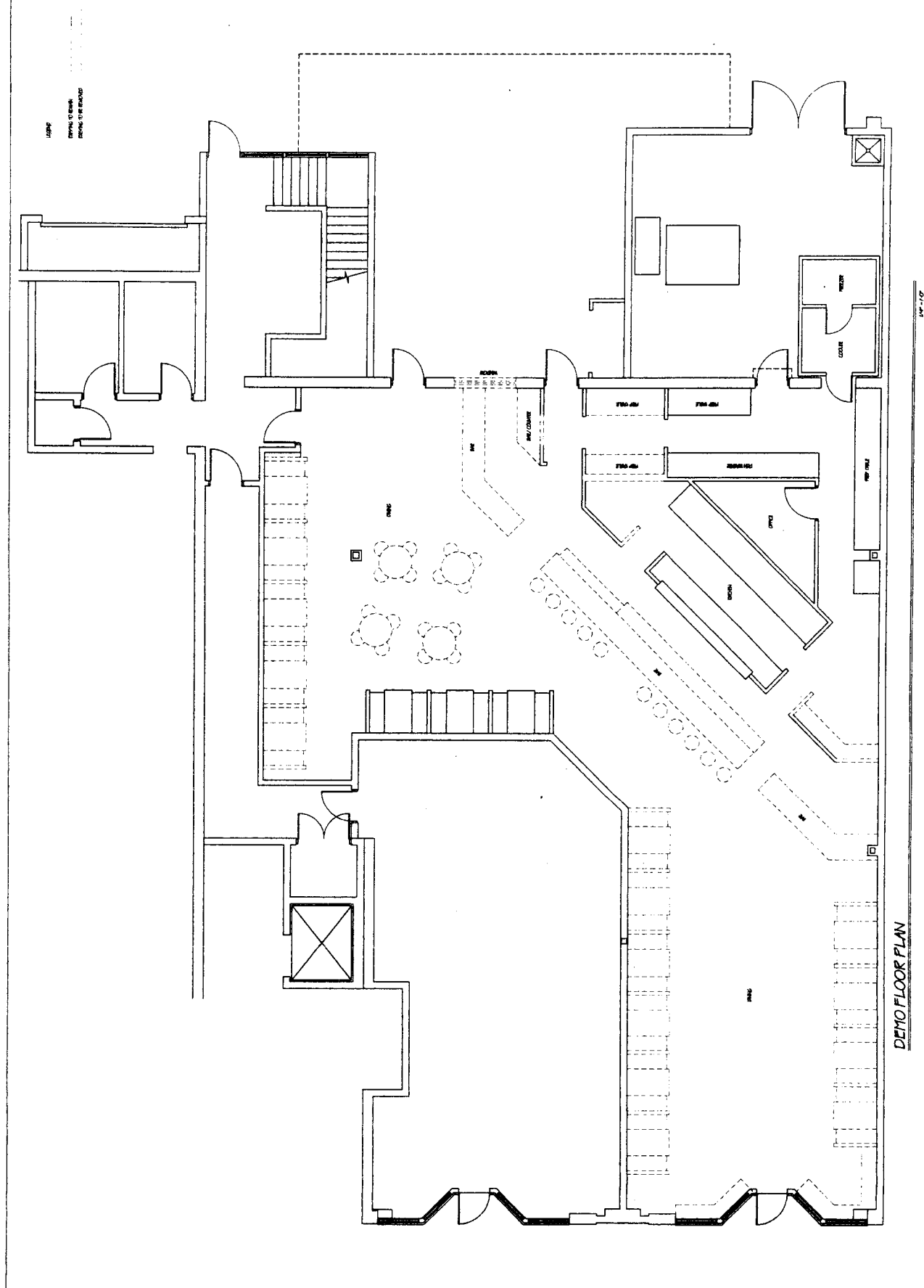
PARKING AVAILABLE:
629 SPACES (TOTAL AVAILABLE)
626 SPACES (TOTAL REQ.)

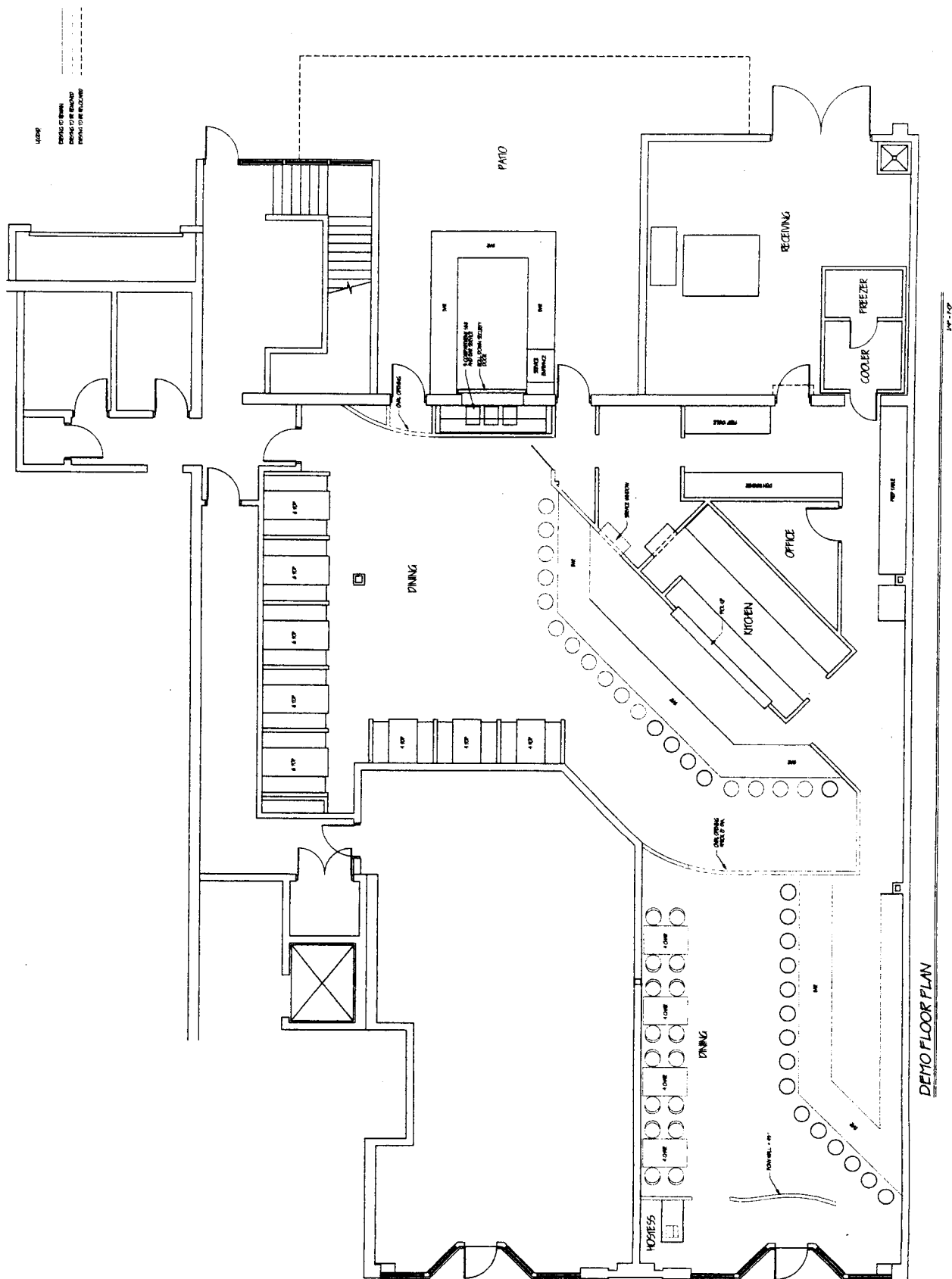
LEGAL DESCRIPTION:

LOTS 17, 18, 19 BLOCK 52 OF THE
CITY OF TEMPE, A SUBDIVISION
RECORDED IN BOOK 2 OF MAPS
PAGE 26, MARICOPA COUNTY RECORDS
AND LOCATED IN THE SOUTHWEST
QUARTER OF SECTION 13,
TOWNSHIP 1 NORTH, RANGE 4 EAST
OF THE GILA AND SALT RIVER BASIN
AND MERIDIAN, MARICOPA COUNTY
ARIZONA

PROJECT STATEMENT:

THIS SUBMITTAL PROPOSES A MINOR REMODEL OF THE DINNING
AND BAR AREAS OF THE EXISTING SUITE 103 LOCATED AT
411 SOUTH MILL AVE TEMPE, ARIZONA 85281





RA on Mill
411 S. Mill Suite 103
Tempe, AZ 85282

City of Tempe
Development Services Department
Planning Division
P.O. Box 5002
31 East Fifth Street
Tempe, AZ 85280-5002

Re: Explanation and Intent

Dear City of Tempe:

RA on Mill is a Japanese Restaurant, Bar and Patio. It is an upbeat and casual dining experience with a full menu as well as a complete sushi bar. We would like to be open for lunch and dinner and to provide our patrons with live entertainment during Happy Hour. We request a Use Permit for operation and Tenant improvements. The existing Stan's Metro Deli layout meets our needs well. The majority of our tenant improvements will be on the interior and rather simple. Thank You.

Lunch M-F 11:30 - 2:00
Dinner M-Sun 5:00 - 10:00
Bar M-Sun 5:00 - 1:00am

Respectfully;



Greg Donnally
Owner/Operator

City of Tempe
P.O. Box 5000
115 East Main Street
Tempe, AZ 85281
602-967-4444 FAX



Community Development
602-950-8331 (Phone)

May 16, 1997

Najaf Sultan Shams
1904 E. Catamaran Circle
Gilbert, AZ 85234

Re: #SIP-94.81

Dear Mr. Shams:

At their regular meeting of May 15, 1997, the City Council approved the request **STAN'S METRO DELI** (Phil-a-Bag, Inc., Najaf Sultan Shams, Property Owner) for a use permit for a restaurant with outdoor dining based on new ownership located at 411 S. Mill Avenue.

The approval was subject to the following conditions:

1. Use permit is non-transferable and is issued to Phil-a-Bag, Inc., the current owner of Stan's Metro Deli only.
2. Within five years of date of City Council approval, the applicant shall return to City Council for compliance with conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
5. Bar activities shall cease at 1:00 a.m. per state statute.
6. No entertainment shall occur on the premises unless the applicant returns to the City Council for a use permit.

Feb 18 1999 COJ / DEVELOPMENT SERVICES DEPT

Najaf Sultan Sham
#SIP-94.81

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7. Patio usage shall cease by 11:00 p.m. Monday through Thursday nights, and by 1:00 a.m. Friday through Sunday nights. No outdoor entertainment or interior music amplified to patio is allowed in the patio area.

Sincerely,


Terrell L. Mullins
Deputy Director

TLMyrh

cc: File
Phil - A - Bag, Inc.
Building Safety Dept.
Traffic Engineer